

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE MARCH 29, 2016

SENATE BILL

No. 1379

Introduced by Senator Mendoza

February 19, 2016

An act to amend Section 5710 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1379, as amended, Mendoza. ~~Workers'—Compensation:~~
compensation: depositions: interpreters.

~~Existing law requires the State Personnel Board to, and authorizes the Director of the Division of Workers' Compensation (administrative director) or an independent organization designated by the administrative director to, establish, maintain, administer, and publish annually an updated list of certified administrative hearing interpreters who, based on testing by an independent organization designated by the administrative director, have been determined to meet certain minimum standards, for purposes of certain workers' compensation proceedings and medical examinations. Existing law authorizes depositions to be taken in conjunction with any investigation or hearing before the Workers' Compensation Appeals Board.~~

~~This bill would require that specified information regarding the certification of an interpreter, for a deposition under these provisions, be stated on the record and verified by the board or judge ordering the deposition, or by the party giving the deposition testimony, or his or her representative.~~

Existing law requires the State Personnel Board to establish, maintain, administer, and publish annually an updated list of certified

administrative hearing interpreters it has determined meet the minimum standards in interpreting skills and linguistic abilities in designated languages. Under existing law, certified court interpreters, among others, are deemed certified for the purposes of administrative hearings. Existing law additionally authorizes the Administrative Director of the Division of Workers' Compensation (administrative director) to establish, maintain, administer, and publish annually an updated list of certified administrative hearing interpreters who, based on testing by an independent organization designated by the administrative director, have been determined to meet the minimum standards in interpreting skills and linguistic abilities in designated languages, for purposes of administrative hearings conducted pursuant to proceedings of the Workers' Compensation Appeals Board (appeals board). Existing law authorizes depositions to be taken in conjunction with any investigation or hearing before the appeals board.

This bill would require that, for those depositions requiring an interpreter, specified information regarding the interpreter and his or her certification be stated on the record and that there be a statement on the record that the certified interpreter's identification has been verified by the appeals board or judge ordering the deposition, or by the party giving the deposition testimony, or his or her representative, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5710 of the Labor Code is amended to
2 read:
3 5710. (a) The appeals board, a workers' compensation judge,
4 or any party to the action or proceeding, may, in any investigation
5 or hearing before the appeals board, cause the deposition of
6 witnesses residing within or without the state to be taken in the
7 manner prescribed by law for like depositions in civil actions in
8 the superior courts of this state under Title 4 (commencing with
9 Section 2016.010) of Part 4 of the Code of Civil Procedure. To
10 that end the attendance of witnesses and the production of records
11 may be required. Depositions may be taken outside the state before
12 any officer authorized to administer oaths. The appeals board or
13 a workers' compensation judge in any proceeding before the

1 appeals board may cause evidence to be taken in other jurisdictions
2 before the agency authorized to hear workers' compensation
3 matters in those other jurisdictions.

4 (b) If the employer or insurance carrier requests a deposition to
5 be taken of an injured employee, or any person claiming benefits
6 as a dependent of an injured employee, the deponent is entitled to
7 receive in addition to all other benefits:

8 (1) All reasonable expenses of transportation, meals, and lodging
9 incident to the deposition.

10 (2) Reimbursement for any loss of wages incurred during
11 attendance at the deposition.

12 (3) One copy of the transcript of the deposition, without cost.

13 (4) A reasonable allowance for attorney's fees for the deponent,
14 if represented by an attorney licensed by the State Bar of this state.
15 The fee shall be discretionary with, and, if allowed, shall be set
16 by, the appeals board, but shall be paid by the employer or his or
17 her insurer.

18 (5) If interpretation services are required because the injured
19 employee or deponent does not proficiently speak or understand
20 the English language, upon a request from either, the employer
21 shall pay for the services of a language interpreter certified or
22 deemed certified pursuant to Article 8 (commencing with Section
23 11435.05) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of, or
24 Section 68566 of, the Government Code. The fee to be paid by the
25 employer shall be in accordance with the fee schedule adopted by
26 the administrative director and shall include any other
27 deposition-related events as permitted by the administrative
28 director.

29 (c) If interpretation services are required pursuant to subdivision
30 (a) or (b), the following shall be stated on the record:

31 (1) The name of the ~~certified or registered court interpreter,~~
32 *court interpreter or certified administrative hearing interpreter,*
33 as listed on his or her ~~court interpreter certification or registration.~~
34 *or administrative hearing interpreter certification.*

35 (2) His or her current ~~certification or registration~~ number.

36 (3) A statement that the ~~certified or registered court interpreter's~~
37 *or certified administrative hearing interpreter's* identification has
38 been ~~verified,~~ *verified* by the board or judge ordering the
39 deposition, or by the party giving testimony, or his or her
40 representative, using a ~~certified or registered~~ interpreter

1 identification badge issued by the Judicial Council, *an*
2 *administrative hearing interpreter badge issued by the Department*
3 *of Human Resources*, or other documentation that verifies the
4 interpreter's certification ~~or registration~~ accompanied by photo
5 identification.

6 (4) The language to be interpreted.

7 (5) ~~A—If the interpreter is a certified court interpreter, a~~
8 statement that the interpreter's oath was administered to the
9 ~~certified or registered~~ court interpreter or that he or she has an oath
10 on file with the court.

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